

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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CHAD JAMES WILLMS,

Plaintiff,

v.

Case No. 22-CV-0421

JAEGER, ET AL.,

Defendants.

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**DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S AMENDED COMPLAINT (DKT. 32.)**

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Defendants, by their attorneys, Wisconsin Attorney General Joshua L. Kaul and Assistant Attorneys General Michael E. Emer and Ashley Fard, respond to Plaintiff's Amended Complaint (Dkt. 32), as follows:

**A. PARTIES**

1. Defendants ADMIT that Plaintiff is currently incarcerated at Fox Lake Correctional Institution (FLCI); DENY remaining allegations.

2. Defendants ADMIT only that Terrance Jaeger, Christopher Hoch, Chad Keller, and Tom Larson, were employed at Redgranite Correctional Institution (RGCI), during the times relevant to this case; DENY remaining allegations.

**B. STATEMENT OF CLAIM**

**Introduction: DENY.**

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

3. DENY.

4. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations because at the time of this answer, Defendants do not have a signed medical release from the Plaintiff and therefore, DENY.

5. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore, DENY.

6. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations contained therein and therefore, DENY.

7. Deny.

8. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations because at the time of this answer, Defendants do not have a signed medical release from the Plaintiff and therefore, DENY.

9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

11. DENY.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

**NARRATIVE**

1. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

4. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

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5. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

6. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations because at the time of this answer, Defendants did not have a signed medical release from the Plaintiff and therefore, DENY.

7. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

8. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

10. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

14. Defendants ADMIT Plaintiff sent an email on August 18, 2020, however, deny knowledge sufficient to form a belief as to the remaining allegations.

15. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations because at the time of this answer, Defendants did not have a signed medical release from the Plaintiff and therefore, DENY.

#### **EXHAUSTED REMEDIES AND CLAIMS**

1. DENY.

2. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

3. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

4. Defendants AFFIRMATIVELY ALLEGE that Plaintiff's assertions set forth a legal conclusion to which no response is required, and to the extent Plaintiff asserts any factual allegations as to these answering Defendants, lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY.

5. DENY.

6. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations and any deliberate indifference.

7. Defendants AFFIRMATIVELY ALLEGE that Plaintiff's assertions set forth a legal conclusion to which no response is required, and to the extent Plaintiff asserts any factual allegations as to these answering Defendants, lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY.

8. Defendants AFFIRMATIVELY ALLEGE that Plaintiff's assertions set forth a legal conclusion to which no response is required, and to the extent Plaintiff asserts any factual allegations as to these answering Defendants, lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY.

9. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

10. Defendants AFFIRMATIVELY ALLEGE that Plaintiff's assertions set forth a legal conclusion to which no response is required, and to the extent Plaintiff asserts any factual allegations as to these answering Defendants, lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY.

11. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

12. Defendants AFFIRMATIVELY ALLEGE that Plaintiff's assertions set forth a legal conclusion to which no response is required, and to the extent Plaintiff asserts any factual allegations as to these answering Defendants, lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY.

13. DENY..

14. DENY.

15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

16. DENY.

17. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

18. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

19. DENY.

20. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

21. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore DENY the allegations.

### **C. JURISDICTION**

Defendants ADMIT that Plaintiff had filed this civil lawsuit pursuant to 28 U.S.C. § 1331 and that this Court has jurisdiction; DENY all remaining allegations including paragraphs 1-6 (under “Why This Case Belongs in Federal Court section”).

### **D. RELIEF WANTED**

Defendants DENY that Plaintiff is entitled for any of the relief he seeks.

### **E. JURY DEMAND**

Defendants ADMIT only that Plaintiff demands a jury trial; DENY all remaining allegations.

Defendants DENY any allegations not specifically admitted to above.

### **AFFIRMATIVE DEFENSES**

As for defenses, Defendants allege as follows:

1. All or portions of Plaintiff’s complaint must be dismissed to the extent that Plaintiff failed to exhaust administrative remedies.

2. To the extent that Defendants are named in their personal capacities, all or portions of Plaintiff’s complaint must be dismissed pursuant to the doctrine of qualified immunity.

3. To the extent that Defendants are named in their official capacities, all or portions of Plaintiff's complaint must be dismissed pursuant to the doctrine of sovereign immunity and the Eleventh Amendment to the United States Constitution.

4. This action is subject to the requirements, provisions, terms, conditions, and limitations of 42 U.S.C. § 1997e.

5. Plaintiff may have failed to mitigate any harm and/or damages.

WHEREFORE, Defendants demand judgment in their favor and against Plaintiff, dismissing Plaintiff's amended complaint, and an order awarding Defendants attorney fees, as well as such other and further relief as the Court deems appropriate under the circumstances. In the event this case were to go to trial Defendants request a trial by JURY.

Dated this 16<sup>th</sup> day of May 2023.

Respectfully submitted,

JOSHUA L. KAUL  
Attorney General of Wisconsin

s/ Ashley Fard  
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